

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**ORION IP, LLC,  
a Texas Limited Liability Company,**

**v.**

**COSTCO WHOLESALE CORP., et al.**

**Civil Action No. 6:07CV-106 LED**

**JURY TRIAL DEMANDED**

**STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE FOR  
NINTENDO OF AMERICA, INC.**

The plaintiff, Orion IP, LLC, and defendant Nintendo of America Inc., pursuant to Fed. R. Civ. P. 41(a)(2) and (c), hereby move for an order dismissing all claims and counterclaims in this action WITH PREJUDICE, with each party to bear its own costs, expenses and attorneys fees.

Dated: May 31, 2007

Respectfully submitted,

**NINTENDO OF AMERICA, INC.**

**ORION IP, LLC**

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**CERTIFICATE OF SERVICE**

I hereby certify that the counsel of record who are deemed to have consented to electronic service are being served today with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

Dated: May 31, 2007

/s/ David M. Pridham  
David M. Pridham